BILL NO. Z-80-10-49 (AS AMENDED)

ZONING MAP ORDINANCE NO. Z-Lost

AN ORDINANCE amending the City of Fort Wayne Zoning Map No. 0-27.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby designated a B-3-A District under the terms of Chapter 33, the Code of the City of Fort Wayne, Indiana of 1974; and the symbols of the City of Fort Wayne Zoning Map No. 0-27, referred to therein, established by Section 33-11, of said Chapter are hereby changed accordingly, to-wit:

Lot #11 in Gardendale Addition to the City of Fort Wayne, Indiana.

SECTION 2. That this Ordinance shall be effective upon passage, approval by the Mayor and legal publication thereof.

_____
COUNCILMEMBER

APPROVED AS TO FORM AND LEGALITY October 24, 1980.

_____
JOHN E. HOFFMAN, City Attorney

BILL NO. Z-80-10-19

ZONING MAP ORDINANCE NO. Z-_____

AN ORDINANCE amending the City of Fort Wayne Zoning Map No. O-27.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby designated a B-3-A District under the terms of Chapter 33, The Code of the City of Fort Wayne, Indiana of 1974; and the symbols of the City of Fort Wayne Zoning Map No. O-27, referred to therein, established by Section 33-11, of said Chapter are hereby changed accordingly, to-wit:

Lots Numbered 10 and 11 in Gardendale Addition to the City of Fort Wayne, Indiana.

SECTION 2. That this Ordinance shall be effective upon passage, approval by the Mayor and legal publication thereof.

Ben A. Eckert
COUNCILMAN

APPROVED AS TO FORM AND LEGALITY OCTOBER 24, 1980.

J. E. Hoffman
JOHN E. HOFFMAN
City Attorney

Read the first time in full and on motion by Gaston, seconded by Nuckols, and duly adopted, read the second time by title and referred to the Committee Regulation (and the City Plan Commission for recommendation) and ~~Public Hearing~~ to be held after due legal notice, at the ~~Council Chambers, City-County~~ Building, Fort Wayne, Indiana, on _____, the _____ day of _____, 19____, at _____ o'clock ___ M.,E.S.T.

DATE: 10-28-80

Charles W. Westerman
CHARLES W. WESTERMAN
CITY CLERK

Read the third time in full and on motion by Gia Quinta, seconded by D. Schmidt, and duly adopted, placed on its passage. ~~PASSED~~ (LOST) by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT	TO-WIT:
TOTAL VOTES	0	9			
BURNS		X			
EISBART		X			
GiaQUINTA		X			
NUCKOLS		X			
SCHMIDT, D.		X			
SCHMIDT, V.		X			
SCHOMBURG		X			
STIER		X			
TALARICO		X			

DATE: 1-27-81

Charles W. Westerman
CHARLES W. WESTERMAN - CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ZONING MAP) (GENERAL) (ANNEXATION) (SPECIAL) (APPROPRIATION) ORDINANCE (RESOLUTION) No. _____

on the _____ day of _____, 19____.

ATTEST: (SEAL)

Charles W. Westerman
CHARLES W. WESTERMAN - CITY CLERK

_____
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the _____ day of _____, 19____, at the hour of _____ o'clock _____ M.,E.S.T.

_____
CHARLES W. WESTERMAN - CITY CLERK

Approved and signed by me this _____ day of 19____, at the hour of _____ o'clock ___ M.,E.S.T.

_____
WINFIELD C. MOSES, JR.
MAYOR

Held with 1/27/80 1/20/81 Held with

BILL NO. Z-80-10-49 (AS AMENDED)

REPORT OF THE COMMITTEE ON REGULATIONS

WE, YOUR COMMITTEE ON Regulations TO WHOM WAS REFERRED AN ORDINANCE amending the City of Fort Wayne Zoning Map No. 0-27

HAVE HAD SAID ORDINANCE UNDER CONSIDERATION AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID ORDINANCE DO NOT PASS.

MARK E. GiaQUINTA, CHAIRMAN — Mark E. GiaQuinta

SAMUEL J. TALARICO, VICE CHAIRMAN — Samuel J. Talarico

VIVIAN G. SCHMIDT — Vivian G. Schmidt

JAMES S. STIER — James S. Stier

DONALD J. SCHMIDT

CONCURRED IN

DATE: 1/27/81 CHARLES W. WESTERMAN, CITY CLERK

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on October 28, 1980, referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-80-10-49; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on November 17, 1980;

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that such proposed ordinance DO PASS for the reasons that a need has been shown for the Land Use Plan to be amended, the amendment will be in the best interest of and benefit to the area involved and of and to the City, and the amendment will not be detrimental to and does not conflict with the overall City Plan;

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

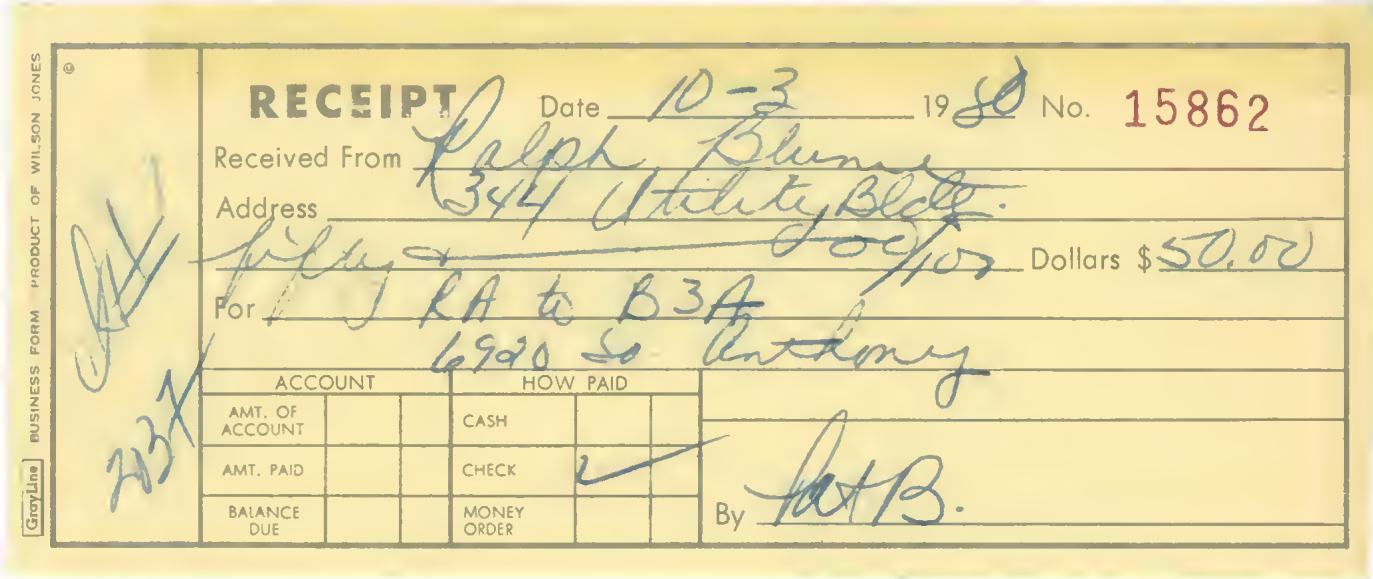
This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held November 24, 1980.

Certified and signed this
30th day of December 1980.

Joyce Schlatter

Joyce Schlatter
Secretary

GrayLine BUSINESS FORM PRODUCT OF WILSON JONES



RECEIPT Date 10-3 1980 No. 15862

Received From Ralph Blume

Address 344 Utility Bldg.

fifty & 00/100 Dollars $50.00

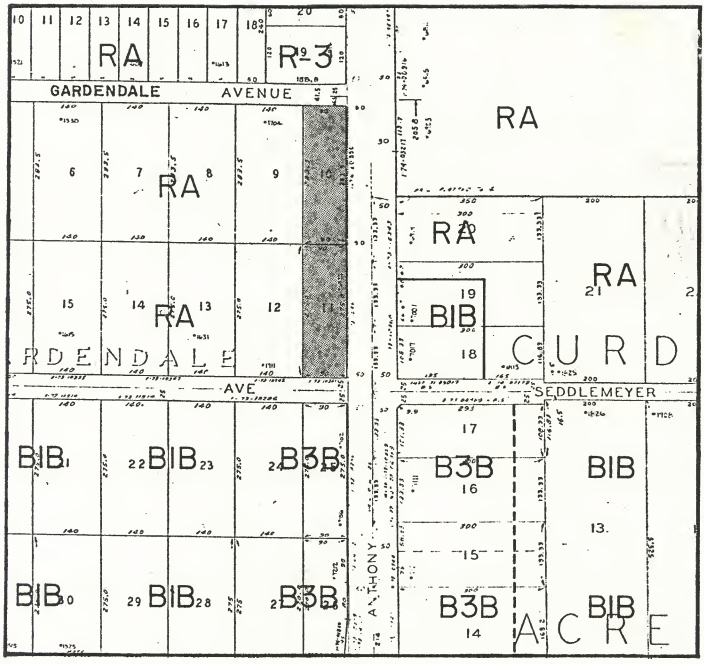
For RA to B3A

6920 So Anthony

ACCOUNT			HOW PAID		
AMT. OF ACCOUNT			CASH		
AMT. PAID			CHECK	✓	
BALANCE DUE			MONEY ORDER		

By Pat B.

2037



AN APPEAL TO AMEND THE ZONING MAP OF FORT WAYNE, INDIANA BY RECLASSIFYING FROM AN RA DISTRICT TO AN B3A DISTRICT.

CASE NO. Z-80-10-49

MAP NO. 0-27

BY G.R. LAX 10-15-80

RESTRICTIVE COVENANT

The undersigned, Victor L. Clem, being the owner of the real estate in Allen County, Indiana, described as follows:

Lot Number 11 in Gardendale Addition to the City of Fort Wayne, Indiana, commonly known as 6920 South Anthony Boulevard,

in consideration of permission to use said real estate for a bicycle sales and repair shop, hereby covenants and agrees for himself, grantees, personal representatives, successors, and assigns as follows:

When the real estate is developed and used for a B3A use under the terms of the Zoning Ordinance, screening will be placed along the west and north sides of the above-described real estate to serve as a buffer between the residential area to the north and west.

This is not a personal covenant, but shall run with the land and inure to the benefit of all owners of real estate within Five Hundred (500) feet of said real estate, and of the public. It may be enforced by injunction or otherwise by any of said owners or by the City of Fort Wayne on behalf of the public.

WITNESS my hand and seal this 12th day of December 1980.

Victor L. Clem (SEAL)
VICTOR L. CLEM

STATE OF INDIANA)
) SS:
COUNTY OF ALLEN)

Before me, a Notary Public in and for said County and State, this 12th day of December, 1980, personally appeared Victor L. Clem and acknowledge the execution of the above Restricted Covenant to be his voluntary act and deed.

My Commission Expires:
12-12-83

Mary L. Schmidt
NOTARY PUBLIC OF ALLEN COUNTY, IN

Prepared by Ralph R. Blume, Attorney of Law

PETITION FOR ZONING ORDINANCE AMENDMENT

RECEIPT NO. _____

DATE FILED _____

THIS IS TO BE FILED IN DUPLICATE

INTENDED USE Bicycle Repair Shop and sign for same

I/We Victor L. Clem and Lydia P. Clem, husband and wife
(Applicant's Name or Names)

do hereby petition your Honorable Body to amend the Zoning Map of Fort Wayne Indiana, by reclassifying from a/an RA District to a/an B3A District the property described as follows:

Lots Numbered 10 and 11 in Gardendale Addition to the City of Fort Wayne, Indiana, commonly known as 6920 South Anthony Boulevard.

(Legal Descrption) If additional space is needed, use reverse side.

(General Description for Planning Staff Use Only)

I/We, the undersigned, certify that I am/We are the owner(s) of fifty-one percentum (51%) or more of the property described in this petition.

(Name)	(Address)	(Signature)
Victor L. Clem	1827 Seddlemeyer Avenue	Victor L. Clem
Lydia P. Clem	Fort Wayne, Indiana	Lydia P. Clem

(If additional space is needed, use reverse side.)

Legal Description checked by _____

NOTE FOLLOWING RULES

All requests for deferrals, continuances, withdrawals, or requst that the ordinance be taken under advisement shall be filed in writing and be submitted to the City Plan Commission prior to the legal notice pertaining to the ordinanc being sent to the newspaper for legal publication. If the request for deferral, continuance or request that ordinances be taken under advisement is received prior to the publication of the legal ad being published the head of the Plan Commission staff shall not put the matter on the agenda for the meeting at which it was to be considered. The Plan Commission staff will not accept request from petitioners for deferrals, continuances, withdrawals, or requests that an ordinance be taken under advisement, after the legal notice of said ordinance is forwarded to the newspaper for legal publication but shall schedule the matte for hearing before the City Plan Commission. (FILING FEE $50.00)

Name and address of the preparer, attorney or agent.

(Name)	(Address & Zip Code)	(Telephone Number)
Ralph R. Blume, Esq.	344 Utility Building Fort Wayne, IN 46802	(291)423-3525

COMMUNITY DEVELOPMENT AND PLANNING / Division of Long Range Planning & Zoning and (CITY PLAN COMMISSION) / Room #830, City-County Building, One Main Street, Fort Wayne, IN 46802 (PHONE: 219/423-7571)

Applicants, Property owners and preparer shall be notified of the Public Hearing approximately ten (10) days prior to the meeting.

THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ONE MAIN STREET • FORT WAYNE, INDIANA 46802

city plan commission

30 December 1980

Members of the Common Council
City-County Building
One Main Street
Fort Wayne, IN 46802

Gentlemen and Mrs. Schmidt:

Attached hereto is a resolution pertaining to a zoning ordinance amendment acted upon by the City Plan Commission at their meeting held November 24, 1980. In addition to the reasons outlined in the resolution, the following are additional remarks pertaining to the ordinance:

1. Bill No. Z-80-10-49

2. From RA to B-3-A

3. Intended Use: Bicycle Sales and Repair Shop

4. Plan Commission Recommendation: DO PASS with Perfection & Condition

   PERFECTION: The rezoning is to be perfected by eliminating Lot # 10 from the request.

   CONDITION: That screening be placed along the West and North sides of Lot #11 to serve as a buffer between the residential area to the North and West.

NOTE: The rezoning was perfected to rezone only Lot #11 of the request.

A covenant that runs with the land pertaining to the screening of the property has been received by the Plan Commission staff. A copy is attached to the original ordinance and a copy is on file in the Plan Commission office.

If there are any questions with regard to this ordinance please feel free to call on us.

Respectfully submitted,

COMMUNITY DEVELOPMENT & PLANNING

Gary F. Baeten
Senior Planner

GFB:pb

AN EQUAL OPPORTUNITY EMPLOYER

.5039

Admn. Appr. _____

DIGEST SHEET

TITLE OF ORDINANCE Zoning Map Amendment Z-80-10-49

DEPARTMENT REQUESTING ORDINANCE Long Range Planning & Zoning - CD&P

SYNOPSIS OF ORDINANCE Lots 10 & 11 in Gardendale Addition to the City of Fort Wayne, more commonly known as 6920 South Anthony Blvd.

EFFECT OF PASSAGE Property is now zoned RA - Surburban Residential District. Property will become B-3-A - General Business District.

EFFECT OF NON-PASSAGE Property will remain zoned RA - Surburban Residential.

MONEY INVOLVED (Direct Costs, Expenditures, Savings) _____

(ASSIGN TO COMMITTEE (J.N.) Regulations